

TABLE D.1
POTENTIAL APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS AND GUIDANCE TO BE CONSIDERED
SOUTH DAYTON DUMP AND LANDFILL
MORaine, OHIO

Category	Requirement	Prerequisite	Citation	Preliminary Expected ARAR Determination	Comment
Chemical Specific	This regulation establishes ambient air quality standards and best available technology for the emissions of carbon monoxide, ozone, and hydrocarbons.	Use of a process emitting one of the listed pollutants.	OAC 3745-21	Applicable	Substantive requirements are applicable for onsite waste treatment operations that may generate regulated hydrocarbon air emissions. This would include vapor intrusion mitigation
Chemical Specific	This regulation governs surface water quality criteria with qualitative rules for specific Ohio water bodies/streams and water body types. These rules establish minimum water quality requirements for all surface waters of the state.	Conducting a response action that includes a discharge to surface water	OAC 3745-1	Applicable	Applicable for off-site discharges of water to surface water; substantive requirements are applicable for onsite discharges
Chemical Specific	These regulations establish the requirements for storage, handling, and disposal of materials containing PCBs greater than 50ppm that may be generated during remedial actions, included as contingency if PCBs are found in the future.	Generation of PCB remediation waste	40 CFR 761	Applicable	Substantive requirements are applicable if any PCB-containing materials are removed or handled.

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Location Specific	Requires that wetlands be maintained such that there is no net loss of wetland acreage or functions. If impacts cannot be avoided compensatory mitigation may be required.	Activities within wetlands.	OAC 3745-1-54	Applicable	Remedial actions may disturb onsite wetland areas (large and small ponds). If the disturbance results in a net loss of wetland, a mitigation plan will be prepared and implemented. Only those substantive requirements relevant for the category of wetland will apply.
Location Specific	Requires that impacts to wetlands be mitigated in accordance with set mitigation ratios.	Activities impacting wetlands.	ORC 6111.027	Applicable	Remedial actions may disturb onsite wetland areas (large and small ponds). If the disturbance results in a net loss of wetland, a mitigation plan will be prepared and implemented. Only those substantive requirements relevant for the category of wetland will apply.
Location Specific	Protects almost all species of native birds in the United States from unregulated taking.	Presence of migratory birds.	<i>Migratory Bird Treaty Act</i> , 16 USC 703	Applicable	The site is located in the Mississippi Migratory Flyway. If migratory birds, or their nests or eggs, are identified at the site, operations will not destroy the birds, nests, or eggs.
Location Specific	Establishes a covenant for the restriction of activity and use at contaminated properties by maintaining institutional controls	Remedial actions at sites where waste is left in place.	ORC 5301.80-5301.92	Applicable	Applicable to remedial actions that rely on institutional controls using Ohio's Environmental Covenants Act.
Action Specific	Requires that best management practices be employed to prevent stormwater pollution caused by erosion and sedimentation as well as any other potential pollutants during construction activities.	Any use of the land, comprising an area that is one acre or more, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.	NPDES Permit OHC000003 (substantive requirements only)	Applicable	Since this is an onsite CERCLA action, coverage under the permit is not required. The substantive requirements of the permit will be complied with for onsite actions. For hot spot remedies that do not disturb greater than one acre of land these requirements would be relevant and appropriate.

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Action Specific	This regulation governs and places limits on the particulate matter emissions from air pollution sources.	Conducting any activity which may cause particulate matter to become airborne.	OAC 3745-17	Applicable	During all land disturbing activities reasonable precautions will be taken to prevent particulate matter from becoming airborne.
Action Specific	Prohibits filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated without prior authorization from the Director.	Filling, grading, excavating, building, drilling, or mining activities at a current or former hazardous waste facility or solid waste facility.	ORC 3734.02(H)	Applicable	Substantive requirements are applicable to remedial actions that include excavations onsite.
Action Specific	Construction of groundwater monitoring well(s)	Installation, maintenance, and abandonment of wells (including temporary) other than for water supply	OAC 3745-9	Applicable	Substantive requirements are applicable to any remedial alternative where well installation and maintenance is required.

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Action Specific	These regulations specify the requirements for construction, operation, and closure of solid waste disposal facilities. Requires completion of final closure in a manner that minimizes the need for further maintenance and minimizes post-closure formation and release of leachate and explosive gases to air, soil, ground water, or surface water to the extent necessary to protect human health and the environment.	Closure and post-closure activities of a landfill	OAC 3745-27	Applicable	Substantive requirements are applicable when a landfill is closed with waste left in place. Topics include but are not limited to cap design, groundwater monitoring, explosive gas monitoring, explosive gas management, surface water management and design of control structures, pest control, deed notifications, signage, access restrictions, post-closure care, and accumulation of solid waste onsite in containers.
Action Specific	These regulations set forth general requirements for the RCRA hazardous waste management system	Generation and management of hazardous waste	OAC 3745-50	Applicable	Substantive requirements are applicable onsite if hazardous waste is generated.
Action Specific	Set for definitions and procedures related to the identification and listing of hazardous waste.	Management of hazardous waste	OAC 3745-51	Applicable	Substantive requirements are applicable onsite if hazardous waste is generated.
Action Specific	These regulations set forth RCRA generator requirements of manifests, pre-transport labeling, marking, placarding, recordkeeping, and reporting	Generation of hazardous waste	OAC 3745-52	Applicable	Substantive requirements are applicable onsite if hazardous waste is generated through removal of any hazardous wastes or hazardous constituents and will be disposed of offsite.

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Action Specific	Set forth RCRA transporter standards for compliance with manifest and record keeping, and cleanup of discharge. Pertains to sites where hazardous waste will be transported off site for treatment, storage, or disposal.	Offsite transportation of hazardous waste	OAC 3745-53	Applicable	Substantive requirements are applicable if hazardous waste is transported on a public roadway that is onsite but outside of and not adjacent to the facility boundary.
Action Specific	Restricts land disposal of RCRA hazardous wastes; outlines treatment standards and prohibitions on storage of restricted wastes.	Disposal of hazardous waste onsite	OAC 3745-270	Applicable	Substantive requirements are applicable if hazardous waste is disposed of onsite.
Action Specific	Prohibits causing pollution or causing to be placed any sewage, sludge, sludge materials, industrial wastes, or other wastes in a location where they cause pollution of any waters of the state.	Management of sewage, sludge, sludge materials, industrial wastes, or other wastes	ORC 6111.04	Applicable	Substantive requirements are applicable for onsite discharges.
Action Specific	Accumulations of offal, filth, or noisome substances that are a nuisance are prohibited. Obstruction and pollution of any water course is prohibited. Discharges of oil from an oil well, oil tank, oil vat, or place of deposit of crude or refined oil to any surface water body or to any conveyance to a surface water body are prohibited.	Conducting any onsite activity that may result in a nuisance.	ORC 3767.13 (B) and (C); and 3767.14	Applicable	Substantive requirements are applicable for onsite discharges or disposal.

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Action Specific	Sets forth requirements for management of solid and hazardous waste.	Generation and management of waste and waste disposal facilities	ORC 3734	Applicable	Substantive requirements are applicable for onsite activities.
Action Specific	These regulations set forth standards for the construction of landfills, incinerators, CAMUs, drip pads, and Miscellaneous Units	Management of hazardous waste in onsite units.	OAC 3745-57	Applicable	Substantive requirements are applicable only if hazardous wastes are generated and managed (stored or treated) onsite. Hazardous waste unit closure requirements are not applicable for any remedial action at this site.
		Closure and post-closure care of a hazardous waste landfill		Relevant and appropriate	Substantive requirements are relevant and appropriate to the closure and post-closure care for these remedial alternatives specified because the landfill was never subject to hazardous waste permitting.
Action Specific	This document contains USEPA guidance for construction of hazardous waste caps	Construction of a hazardous waste landfill cap	EPA 530-SW-89-047	TBC	The cap will be constructed in accordance with these requirements if a hazardous waste cap is needed. USEPA Technical Guidance Document: Final Covers on Hazardous Waste Landfills and Surface Impoundments, USEPA, Office of Research and Development, July 1989.
Action Specific	If storage capacity limits are exceeded a Spill, Prevention, Control, and Countermeasures Plan must be prepared and implemented with procedures, methods, equipment, and other requirements to prevent the discharge of into or upon the navigable waters of the United States.	Total onsite storage capacity exceeding 1,320 gallons in containers that are 55 gallons or larger in size.	40 CFR 112	Applicable	It is anticipated that fuels may be stored onsite during construction If the storage capacity in containers that are 55 gallons or greater is equal to or exceeds 1,320 gallons a Spill Prevention, Control, and Countermeasure (SPCC) Plan must be prepared and implemented. Containers include oil and fuel reservoirs in equipment.

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Action Specific	Requires a 2.5h:1v minimum slope, with a preferred 3h:1v slope or flatter.	Constructing an embankment at the South Dayton Dump site.	Miami Conservancy District Requirements	TBC	The embankment will be constructed in accordance with these requirements.
Action Specific	Requires the use of clean compactable material with topsoil to support vegetation.	Constructing an embankment at the South Dayton Dump site.	Miami Conservancy District Requirements	TBC	The embankment will be constructed in accordance with these requirements.
Action Specific	Requires no trees or woody vegetation, and no flowering plants or shrubs with bare soil that could allow concentrated erosion areas or provide shelter for burrowing animals. Turf-grass type mixture preferred.	Constructing an embankment at the South Dayton Dump site.	Miami Conservancy District Requirements	TBC	The embankment will be constructed in accordance with these requirements.
Action Specific	Recommends placing fence at top of slope on adjacent property. If on MCD, stipulates that the owner would need a permit from MCD providing for installation, maintenance, repair, and replacement.	Constructing an embankment at the South Dayton Dump site.	Miami Conservancy District Requirements	TBC	Fencing will be constructed in accordance with these requirements.
Action Specific	Prohibits construction of permanent or temporary structures within the floodway.	Construction within 500 feet of the river channel.	MCD Land Use Policy Item 204.04.01	Applicable	If structures are constructed within the flood way then they will conform with these standards.

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Action Specific	Restricts or prohibits uses which result in damaging increases in flood heights or velocities.	Any construction or development activity in a special flood hazard area, or within 500 feet of the river channel.	Montgomery County Stormwater Flood Damage Prevention Regulations (substantive requirements only); MCD Land Use Policy Items 204.04.02 and 206.04.03	Applicable	Portions of the site are located in a FEMA-designated special flood hazard area. Since this is an onsite CERCLA action, a floodplain development permit and post-construction certification are not required. The substantive requirements of the regulations will be complied with for onsite actions.
Action Specific	Specifies performing a HEC-RAS water surface profile analysis along Great Miami River modeling existing and proposed conditions with MCD discharge = 120,000 cfs to ensure that proposed design would not increase flood profile upstream in Dayton flood protection channel and levees.	Designing a cap for the South Dayton Dump site.	Requirements established for the South Dayton Dump site by the Miami Conservancy District as authorized by ORC 6101.19	Applicable	The HEC-RAS model will be run in accordance with these requirements.
Action Specific	Prohibits levee excavations requiring open cutting, jacking, and boring but permits boring beneath the levee or river channel subject to MCD approval. Stipulates that the levee may not remain open for more than five days or over the weekend.	Performing excavating or boring activities on the levee or under the river channel.	MCD Land Use Policy Items 204.03.01, 204.03.02	Applicable	Any activities taking place on the levee will be performed in accordance with these requirements.
Action Specific	Requires compaction of material at 95% proctor following restoration of a levee.	Performing construction activities that disturb the levee.	MCD Land Use Policy Item 209.06.01	Applicable	The levee material will be restored to this compaction level following any activity requiring restoration of the levee.

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Action Specific	Requires seeding or sodding of all levee slopes within seven days of construction causing a disturbance to the levee and maintenance and monitoring of the regrowth until it is established.	Performing construction activities that disturb the levee.	MCD Land Use Policy Item 209.06.02	Applicable	The levee vegetation will be restored in accordance with this requirement following any activity requiring restoration of the levee.
Action Specific	Requires covering the asbestos-containing waste material and posting warning signs to deter access by the public, or using an alternative control method.	Evidence of asbestos disposal at the site.	OAC 3745-20-07	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
Action Specific	Prohibits emission of an air contaminant in violation of Sec. 3704 or any rules, permit, order, or variance issued pursuant to that section of the Ohio Revised Code.	Conducting any activity that results in emission of an air contaminant in violation of Sec. 3704 or any rules, permit, order, or variance issued pursuant to that section of the ORC.	ORC 3704.05(B)	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
Action Specific	Prohibits emission of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combination of substances, in such manner or in such amounts as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property.	Conducting any activity that results in an emission of any of the listed contaminants in such a manner as to endanger health, safety, welfare, or property.	OAC 3745-15	Applicable	Substantive requirements would apply to onsite activities that are regulated. None of the listed contaminants will be emitted in a manner or amount that will endanger health, safety, welfare, or property while carrying out any of the response actions.

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Action Specific	Prohibits hazardous waste facilities from emitting any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that interferes with the comfortable enjoyment of life or property or is injurious to public health.	Conducting any activity at a hazardous waste facility that results in emission of particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that interferes with the comfortable enjoyment of life or property or is injurious to public health.	ORC 3734.02(I)	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
Action Specific	Requires the use of Good Engineering Practice stack heights. Specifies emission limits and monitoring and inspection requirements for process vents regulated under RCRA Includes requirements for closure and post-closure care of permitted hazardous waste disposal facilities.	Emitting air contaminants through a stack.	OAC 3745-16-02	Applicable	Substantive requirements apply to onsite activities that are subject to regulation.
		Closure or post closure of a permitted hazardous waste unit	OAC 3745-55	Relevant and appropriate	Substantive requirements are relevant and appropriate to the closure and post-closure care for these remedial alternatives specified because the landfill was never subject to hazardous waste permitting.
Action Specific	Sets requirements for emissions from highway vehicles and engines by model year.	Use of vehicles on site.	40 CFR 86	Applicable	Vehicles used on-site will conform to the EPA requirements for their model year.

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Action Specific	Establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the NPDES permit process.	Discharges to the storm sewer system.	Codified Ordinances of Moraine--Title Nine Stormwater Plan, Chapter 945 Storm Sewer System Illicit Discharge Detection and Elimination and OAC 3745- 39-04	Applicable	Discharges to the storm sewer are an off-site activity, however onsite actions will be conducted in a manner that will not create run off that would eventually discharge to this system causing a violation of these requirements. Applicable because these ordinances are promulgated to maintain compliance with Ohio's NPDES program.
Action Specific	Provides standards for the operation and maintenance of private water systems.	Operation of a private water system consisting of less than 15 service connections.	ORC 3701.334 - 347 and OAC 3701-28	Applicable	Institutional controls will be included in the remedial design to prevent the onsite consumption of contaminated water from the Valley Asphalt well. The water from this well is not intended for public consumption, however if it is determined that institutional controls are not sufficient to protect against accidental ingestion then the well will become subject to the substantive provisions included in this statute and regulations.